UNITED STATES BANKRUPTCY COURT)
WESTERN DISTRICT OF NEW YORK)
)

STANDING ORDER CONCERNING
CHAPTER 7 & 13 CASES

PREAMBLE

Title 11 U.S.C. §329(a) provides:

Any attorney representing a debtor in a case under this title, or in connection with such a case, whether or not such attorney applies for compensation under this title, shall file with the court a statement of the compensation paid or agreed to be paid, if such payment or agreement was made after one year before the date of the filing of the petition, for services rendered or to be rendered in contemplation of or in connection with the case by such attorney, and the source of such compensation. [Emphasis added]

Bankruptcy Rule 2016(b) provides:

Every attorney for a debtor, whether or not the attorney applies for compensation, shall file with the court within 15 days after the order for relief, or at another time as the court may direct, the statement required by §329 of the Code including whether the attorney has shared or agreed to share the compensation with any other entity. The statement shall include the particulars of any such sharing or agreement to share by the attorney, but the details of any agreement for the sharing of the compensation with a member or regular associate of the attorney's law firm shall not be required. A supplemental statement shall be filed within 15 days after any payment or agreement not previously disclosed. [Emphasis added]

ORDER

I. To aid the court and any party in interest in reviewing compensation statements filed by attorneys:

A. The "compensation" paid or to be paid to an attorney shall include all legal fees and all charges of whatever character paid or to be paid by the debtor or other entity. Charges shall be identified and, if not self explanatory, justified.

B. Basic services to be performed are:

(1) Analysis of the financial situation and rendering advice and assistance to the client in determining whether to file a petition under Title 11, United States Code;

(2) Preparation and filing of the petition, lists, statements or schedules in a Chapter 7 or 13 case;

(3) Representation of the debtor at the §341 meeting;

(4) Amend lists, statements or schedules to comport with developments which may have occurred before or at the §341 meeting;

Superseded by Local Rule

(5) Motions under §522(f) to avoid liens on exempt property;

(6) Motions, such as motions for abandonment, or proceedings to clear title to real property owned by the debtor;

(7) Removal of garnishments or wage assignments;

ADDITIONAL SERVICES REQUIRED IN CHAPTER 7 CASES

(8) Negotiate, prepare and file reaffirmation agreements and attend proceedings relating thereto;

(9) Motions under §722 to redeem exempt personal property from liens;

ADDITIONAL SERVICES REQUIRED IN CHAPTER 13 CASES

(10) Attend confirmation hearings;

(11) Negotiate valuation of secured claims and/or present evidence thereon at confirmation hearing.

C. If, in the attorneys judgment, the performance of the above basic services required or will require unusual expenditures of time he or she should so state and annex time sheets or projections of time supporting the claim.

II. All actual compensation and disbursements whether charged by attorneys to the debtor, debtor's estate or any entity paying on behalf of the debtor or debtor's estate prior to or during the pendency of a case must be fully disclosed in a supplemental statement filed in accordance with Bankruptcy Rule 2016(b). [A disclosed fee which is to be charged in the event of a contingent future service, and which is charged, shall be disclosed in a supplemental statement].

III. Supplemental statements by attorneys as to compensation sought from the estate shall be supported by time sheets and detail as to any disbursements charged and shall be accompanied by a motion [notice thereof to be given by the requesting party to parties in interest in accordance with Bankruptcy Rule 2002(a)(7)].

Dated: 7/30/90

BERYL E. MC GUIRE
U.S.B.J.

Dated: 7/31/90

EDWARD D. HAYES
U.S.B.J.

Dated: 7/30/90

JOHN W. CREAHAN
U.S.B.J.

Superceded by Local Rule